IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5376 of 2005

Between:

B.Jangaiah, s/o Yellaiah,
r/o 2-57, Hayathnagar Mandal, R.R.District.

..... PETITIONER

AND

1 The Deputy Commissioner of Proh. & Excise, Hyderabad Division.
2 The Proh. & Excise Inspector, SHO, Uppal, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents No.1 made in proceedings Cr.No.C7/4943/2004 dt.2-3-2005 in rejecting the interim custody of the lorry bearing No. AP 28-V 4525 of the petitioner and in seizing the vehicle in Cr.No.316/2004-05 dt.7-12-2004 of the 2nd respondent is illegal, arbitrary and against the principles of natural justice and consequently direct the respondents to release the lorry bearing No.AP-28V 4525 of the petitioner forthwith in the interest of justice.

Counsel for the Petitioner: MRCH.JANARDHAN REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following:

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

Petitioner, aggrieved by the order of the first respondent in rejecting his application filed for the interim custody of the vehicle bearing No. AP 28 V 4525, filed this writ petition.

It seems that the above said vehicle was seized allegedly while carrying illicitly distilled liquor and a crime No. 316/2004-05 dated 7.12.2004 was also registered to that effect.

The grievance of the petitioner is that, when he approached the competent authority for the release of the said vehicle for interim custody, the same was rejected by an order dated 2.3.2005 vide proceedings in Cr. No. C7/4943/2004 of the first respondent.

However, having regard to the facts and circumstances of the case, more particularly, since the stocks have already been seized, it is expedient to direct the second respondent to release the vehicle in question on condition of the petitioner furnishing a third party security for the amount as assessed by the Motor Vehicle Inspector, and furnishing an undertaking that he shall not alienate the vehicle in favour of others and he should also produce the same as and

when required by the authorities concerned.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

17-03-2005

Note:

Issue operative portion of the

Order on wire at party's cost.

B/0

KVSN

To

1 The Deputy Commissioner of Proh. & Excise, Hyderabad Division.

2 The Proh. & Excise Inspector, SHO, Uppal, R.R.District.

3 Two CCs to GP for Excise, High Court buildings, Hyderabad.

4 Two CD copies.